

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, April 14, 2015

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

SWEARING IN OF NEW COMMISSIONER

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPOINTMENT OF SUBDIVISION COMMITTEE MEMBER**
- D. **APPROVAL OF AGENDA**
- E. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Meeting of February 24, 2015.
 - 2. Meeting of March 10, 2015.
- F. **RECEIPT OF ITEMS FOR THE RECORD**
- G. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)

G. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2015-13, Use Permit U-2015-12, Special Permit SP-2015-3 to operate a resource recovery facility for green waste, construction & bulky materials, on a parcel situated along the mauka side of Kaunualii Highway in Kekaha, approx. 0.85 mile inland and 1 mile west of Kekaha Gardens Subdivision, further identified as Tax Map Key (4) 1-2-002: 008, and containing a land area of 12.34 acres = *Shredco, LLC*. [Director's Report received 3/24/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

3. Continued Public Hearing

- a. Zoning Amendment ZA-2015-4 : A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, to establish a process to permit Homestays in the Commercial Districts, Resort Zoning Districts and Residential Zoning Districts = *County of Kauai, Department of Planning*. [Hearing continued 2/24/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.
2. Testimony from William and Catherine Cowern.
3. Testimony from Sheila Lee.
4. Testimony from Vel and Valli Alahan.
5. Testimony from Claudia Herfurt.
6. Testimony from Darryl & Julie Chong.
7. Testimony from Jennifer Schmidt.

4. New Public Hearing

- a. Zoning Amendment ZA-2015-5: Proposed Bill No. 2459 for an ordinance to amend Article 8, Section 8-8.6 of the Kauai County Code (1987), as amended, to allow Farm Worker Housing Permits to be issued to farmers whose condominium property regime (CPR) declarations have been amended after August 16, 2010 = *County of Kauai, County Council*.

1. Director's Report pertaining to this matter.

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

H. CONSENT CALENDAR

1. Status Reports

- a. 2015 Annual Status Report for Special Management Area Use Permit SMA(U)-2006-04, Project Development Use Permit PDU-2006-6 and Class IV Zoning Permit Z-IV-2006-9, Tax Map Key 4-3-002: 015, 16 & 20 = *Coconut Beach Development, LLC*.

1. Director's Report pertaining to this matter.

H. CONSENT CALENDAR (Cont'd)

2. **Director's Report(s) for Project(s) Scheduled for Agency Hearing on 5/12/15.**
(NONE)

I. EXECUTIVE SESSION

J. GENERAL BUSINESS MATTERS

1. Petition to Appeal the Decision of the Planning Director by ***Ian & Anna Cronshaw*** concerning Transient Vacation Rental Certificate TVNC 1356 (TMK 13001083) and TVNC 1357 (TMK 13001094) filed 1/14/15.
 - a. Director of Planning's Memorandum requesting referral of the matter to a Hearings Officer for hearing of the appeal (4/7/15).
2. Time Extension request regarding Special Management Area Use Permit SMA(U)-2008-15 to complete the project, Tax Map Key 5-8-006: 045, Wainiha, Kauai = ***Daniel & Linda Rohan.***
 - a. Director's Report pertaining to this matter.

K. COMMUNICATION (For Action) (NONE)

L. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

M. UNFINISHED BUSINESS (For Action)

1. Consideration to withdraw Class IV Zoning Permit Z-IV-2007-1, Use Permit U-2007-1 and Special Permit SP-2007-1 due to lack of information to complete the application and applicant's lack of willingness to pursue the application = ***Kauai Springs, Inc.*** [Deferred 3/24/15.]
 - a. Testimony from Mike & Dara Fugett.

N. NEW BUSINESS

1. **For Action – See Agenda G for Project Descriptions**

O. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, May 12, 2015.**

P. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawaii 96766

Tuesday, April 14, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of February 24, 2015
2. Meeting of March 24, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Action

- a. Subdivision Application No. S-2015-11
(Alan R. Matsumoto/Sandra M. Matsumoto)
Proposed 2-lot Subdivision
TMK: (4) 2-4-014:027
Kalaheo, Kōloa, Kauaʻi
 1. Subdivision Report pertaining to this matter.
- b. Subdivision Application No. S-2015-12
(Omao Ranch Lands, LLC.)
Proposed 2-lot Boundary Adjustment
TMK: (4) 2-7-003:005 & 024
Kōloa, Kauaʻi
 1. Subdivision Report pertaining to this matter.
- c. Subdivision Application No. S-2015-13
*(Alexander & Baldwin, LLC./McBryde Sugar Co., LLC./
Kukuiula Development Co., LLC.)*
Proposed 5-lot Subdivision
TMK: (4) 2-6-004:10, 11, 18 & 63 / 2-6-015:08
Kōloa, Kauaʻi
 1. Subdivision Report pertaining to this matter.
- d. Subdivision Application No. S-2015-14
(CIRI Land Development Co.)
Proposed 12-lot Subdivision
TMK: (4) 2-8-021:041, 044 - 068
Weliweli, Kōloa, Kauaʻi
 1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) Continued

2. Final Subdivision Action

- a. Subdivision Application No. S-2012-01
*(Florence S. Togioka Trust/Myles Togioka Trust/
Ruth Togioka Trust)*

Proposed 2-lot Subdivision

TMK: (4) 1-3-010:070

Kekaha, Waimea, Kauaʻi

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2015-04
*(Phillip H. Richmond/Fia Palmer-Richmond/
Mark Gabbay/Andrea Gabbay)*

Proposed 2-lot Consolidation

TMK: (4) 2-6-016:079 & 080

Kōloa (Makai), Kōloa, Kona, Kauaʻi

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihuʻe, Hawaiʻi 96766. Telephone: (808) 241-4050.